

REMARKS

This Amendment and Response is submitted in reply to the Office Action dated June 5, 2007, in which the Examiner:

objected to the Specification;

rejected claims 1-8 under 35 U.S.C. § 112, second paragraph, as indefinite; and

rejected claims 1-8 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,037,727 to Kawanobe et al.

Applicant respectfully addresses and/or traverses the objections and rejections below. Claims 1-8 are currently pending. The current Amendment amends claims 1 and 5. Claim 1 is the only independent claim.

The Specification was objected to based on the use of the term “hole” IC rather than “Hall” IC to refer to elements 24 and 38. Applicant believes that the current amendments to the Specification replace every instance of “hole” with “Hall”. Accordingly, Applicant submits that the objection to the Specification has been fully addressed, and respectfully requests that the objection to the Specification be withdrawn.

Claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite, based on the recitation of “stop time detecting unit” in claim 1 lacking antecedent basis. Claim 1 has been amended to replace “stop time detecting unit” with “stop state detecting unit”, which Applicant submits has proper antecedent basis earlier in claim 1.

Claim 5 was also rejected under 35 U.S.C. § 112, second paragraph, as indefinite, based on the recitation of “slightly support” in claim 5 being undefined. Applicant has amended claim 5 to remove this recitation.

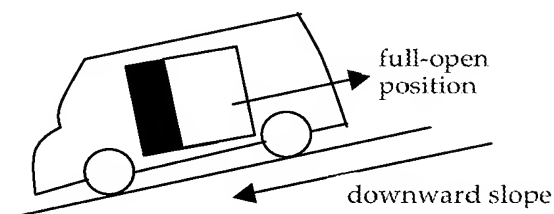
Applicant respectfully submits that these amendments fully address the rejection of claims 1-8 under 35 U.S.C. § 112, second paragraph, as indefinite, and requests that the rejection of claims 1-8 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by Kawanobe. An anticipation rejection under § 102 is improper unless a single prior art reference shows or discloses each and every claim recitation.

Applicant's amended claim 1 recites, in part, an automatic open-close device for a vehicle, wherein when the vehicle is inclined in the open-close direction of the open-close component, the open-close component temporarily stops at the intermediate position and then the open-close component is automatically operated toward the downward side of the inclination.

Kawanobe does not show or disclose each and every recitation of Applicant's amended claim 1. For instance, Kawanobe does not show or disclose an automatic open-close device for a vehicle, wherein when the vehicle is inclined in the open-close direction of the open-close component, the open-close component temporarily stops at the intermediate position and then the open-close component is automatically operated toward the downward side of the inclination. Instead, Kawanobe discloses that:

...when the vehicle parks on a downward slope, the slide door 3 is moved to its full-open position, so that the slide door 3 doesn't close due to its weight. (Kawanobe, col. 9, lines 20-23; see also, col. 2, lines 20-23.)



When a vehicle is parked on a downward slope, movement of the door toward the full-open position, as illustrated above, is substantially opposite to the slope direction. In other words, Kawanobe appears to disclose moving its door upslope when the vehicle is parked on a downward slope. Thus, Kawanobe appears to disclose an automatic control of the door in a direction *opposite* to the recitations of Applicant's amended claim 1.

Additionally, Kawanobe does not show or disclose automatic operation toward the downward side of an inclination *after* a temporary stop of an open close component in an intermediate position. Insofar as Kawanobe ever shows

automatic motion of its door 3 toward a downward slope, such automatic motion is not after a temporary stop in an intermediate position.

Thus, Kawanobe does not show or disclose each and every recitation of Applicant's amended claim 1. Accordingly, Applicant respectfully submits the rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by Kawanobe is improper for at least this reason, and should be withdrawn.

Claims 2-8 were also rejection under 35 U.S.C. § 102(b) as anticipated by Kawanobe. These claims all depend, directly or indirectly, from Applicant's amended claim 1 and include additional recitations thereto. Accordingly, Applicant respectfully submits that the rejection of claims 2-8 under 35 U.S.C. § 102(b) as anticipated by Kawanobe is improper for at least the same reasons stated in connection with claim 1, and should be withdrawn.

Having addressed and/or traversed each and every objection and rejection, Applicant respectfully requests that the objection to the Specification and the rejections of claims 1-8 be withdrawn, and claims 1-8 passed to issue.

Applicant respectfully submits that nothing in the current Amendment constitutes new matter. Amendments to the Specification were made to correct an obvious translation error, consistent with the Examiner's suggestion. Amendments to claim 1 are supported by at least paragraphs [0057]-[0059] and [0063]. Amendments to claim 5 are supported by at least paragraph [0042] of the Specification, and by the original claim 4.

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Response to Office Action dated: September 5, 2007

Applicant believes no fees are due in connection with this Amendment and Response. If any fees are deemed necessary, authorization is granted to charge any such fees to Deposit Account No. 13-0235.

Respectfully submitted,

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